

IN THE CLAIMS

Kindly substitute the amended claims attached hereto for those originally filed.



1. (Currently amended) An anchor member for anchoring a blanket or towel at the beach or at a picnic in an open spread orientation, the anchor member comprising:

a stake portion having a lower end and an upper end, said lower end being tapered for facilitating insertion into the ground, said upper end being of a rounded configuration, said upper end having extending horizontally therefrom, a biased clamping means, said biased clamping means comprising a first jaw member integral with said stake portion and a second jaw member and a biasing means disposed therebetween, ~~one of~~ said first jaw members being permanently secured to said upper end of said stake member, said second jaw member being movable in bias relationship to said ~~secured~~ first jaw member, said jaw members having a serrated surface juxtaposed each other for engagement of an edge of said blanket or towel, said serrated surfaces of said first and second jaw members are wider than said stake portion of said anchor member.

2. (Cancelled)

3. (Currently amended) The anchor member in accordance with claim 1 wherein said second jaw member independent of said stake member is provided with a handle member for movement of said second jaw member by means of said biasing means relative to said opposing first jaw member.

4. (Original) The anchor member in accordance with claim 1 wherein a plurality of said anchor members would be positioned about the periphery of said blanket or towel, engaging said edge of said blanket or towel for maintaining said blanket or towel in a desired orientation.

APPLICANT'S INVENTION

Applicant's invention is an anchor member for anchoring a beach blanket or beach towel. The anchoring member has a stake portion having a lower end and an upper end, the lower end being tapered for facilitating insertion into the sand, the upper end being rounded and having extending there from a biased clamping means comprising a fixed upper jaw member and a lower jaw member and a biasing means disposed therebetween. The upper and lower jaw members having serrated engaging surfaces, the upper and lower jaw members and serrated surfaces being wider than the stake member.

THE REJECTION

Claim 3 is objected to because of an ambiguity. Claims 1 through 4 are rejected under 35 U.S.C. §112 for failure to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 3 and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,176,354 to Feigenbaum.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Feigenbaum.

DISCUSSION

Applicant has amended the specification to correct the errors pointed out by the Examiner and Applicant will respectfully submit that the objection to the specification are obviated.

Applicant has amended the claims to more distinctly point out and claim Applicant's novel contribution and to overcome the rejections pursuant to 35 U.S.C. §102 and 35 U.S.C. §103.

In particular, Applicant's Claim 1 has been amended to include the limitation that the first and second jaw members and the serrated surface portions thereof are wider than the stake portion of the anchor member. Still further Claim 1 particularly points out that Applicant's jaw members, both first and second jaw members, contain the serrated surfaces. There is no such teaching in Feigenbaum. Indeed a close reading of Feigenbaum, column 4, line 6 reveals the following:

"....the purpose of this offset is to provide room on the flat (emphasis added) under side surface 18 for the mounting of an alligator clip or gripper jaw set generally designated by reference numeral 18. Alligator clip 20 comprises a pivotal jaw 30 (the lower jaw) generally of semi-circular shape having a row of teeth 32 projecting toward and engaging flat (emphasis added) under surface 18."

Applicant respectfully submits that the embodiment as detailed in column 4 of Feigenbaum does not read upon Applicant's independent Claim 1.

In the second embodiment of Feigenbaum, the alligator clip

assembly 20 extends beyond the periphery of a circular head portion. The circular head portion as in the first embodiment with an elliptical-shaped head portion, the size of the head portion is such as to compliment the size of the palm of an average adult. (Column 4, line 35-36). Applicant's anchor member contains no such limitation. Applicant's upper first jaw member is integral with the stake portion of the anchor member. It is clear in either embodiment of Feigenbaum that the alligator clip is affixed to the underside of the elliptical head portion with only one serrated surface in embodiment 1 and is a completely separate entity which must be affixed to the underside of the circular head portion in the second embodiment.

In addition to the structural and functional differences, Applicant's anchor member provides several advantages over the disclosure of Feigenbaum. Applicant's head is integral with the stake, and therefore smaller, providing an object less likely to be tripped over. Applicant's design allows for engagement with thicker blankets and provides for a more secure grip because of the widened serrates surfaces of the jaw members. Still further, Applicant's design eliminates the extra accoutrements envisioned by Feigenbaum in his second embodiment and Applicant's invention would be easier to mold and manufacture.

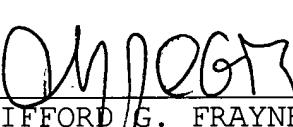
Applicant respectfully submits that the corrections to the specification and the amendments to the claim taken in light of

the discussion herein with regard to the prior art references relied upon by the Examiner, place Applicant's application and claims in condition for allowance and a notice of same is respectfully solicited.

Respectfully submitted,

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invention in cooperation with a beach blanket; and

Figure 4 is a side view of the anchor member of the present invention with a beach blanket.

DETAILED DESCRIPTION OF THE DRAWINGS

Figures 1 and 2 are side and perspective views of anchor member 10 of the present invention. Anchor member 10 comprises an elongate stake member 12 having an upper end 14 and lower end 16. Preferably, lower end 16 is tapered 17 to facilitate its insertion into the beach sand. Stake portion 12 of anchor member 10 as illustrated in Figures 1, 2, and 3 is fluted along its longitudinal axis. However, the cross section of the stake portion 12 of anchor member 10 can be varied without departing from the spirit and scope of the invention.

Upper end 14 of stake portion 12 is generally rounded or flat so as not to present a sharp surface at the proximate level of the beach sand in order to avoid foot injuries to those walking proximate the beach blanket or beach towel as more fully set forth hereafter. There is affixed to upper end 14 of stake portion 12 and formed integrally therewith, a first arm member 18 extending substantially perpendicular to the longitudinal axis of stake member 12. First arm member 18 extends outwardly from stake portion 12 and gradually expands in horizontal cross section such

that its width at end 20 is greater than the width of stake portion 12. First arm member 18 is defined by an upper surface 22 and a lower surface 24, lower surface 24 having a serrated surface.

A second arm member 26 is mounted to first arm member 18 by a biasing means 28. Second arm member 26 has a first end 30 serving as a handle and a second end 32, second end being dimensioned to the cross section of first arm member 18 and having an upper surface 34 which is serrated to cooperate with the serrated lower surface 24 of first arm member 18. First end 30 of second arm member 26 by way of the biasing means 28 may be pivoted towards first arm member 18, thus causing the serrated lower surface 24 of first arm member 18 and the serrated upper surface 34 of second arm member 26 to move away from each other in order to allow the fabric of a corner of a beach towel or beach blanket to be positioned therebetween. The release of first end 30 of second arm member 26 causes the biasing means 28 to force upper serrated surface 34 of second arm member 26 and lower serrated surface 24 of first arm member 18 towards each other thus grasping or securing the corner of the beach blanket or beach towel.

Figure 4 is a top view of a beach blanket 40 affixed to the beach by means of the anchor members 10 of the present invention and Figure 5 is a side view of one corner of the beach blanket 40